

REMARKS/ARGUMENTS

Specification

Due to the lengthy specification, Examiner has asked for Applicant's cooperation in correcting any errors of which Applicant may become aware in the specification. In response, Applicant agrees to correct any errors of which he may become aware.

Claim Rejections – 35 USC 103

Marouiss is an Improper Reference

Examiner has rejected Claims 1 – 5, and 32 – 36, and 38 - 41 under 35 USC 103(a) as being unpatentable over Marouiss. In response, Applicant submits that Marouiss is an improper reference. Applicant submits that Marouiss was filed on February 5, 2001 and was published on December 6, 2001. In comparison Applicant's priority date of 30 October 2000 is prior to both Marouiss' filing date and publication date. Moreover, Examiner has offered no evidence that material cited in Marouiss that is relevant to the present invention is disclosed in the PCT or provisional parent applications.

Specifically regarding the provisional applications, Applicant reminds Examiner that a non-provisional application must be filed within one year of the filing of the provisional application upon which it claims priority. In Marouiss, it is noted that only 8 of the 21 provisional applications listed have a filing date within 1 year prior to the filing date of Marouiss. Therefore, priority cannot properly be claimed to the other 13 provisional applications, regardless of what they disclose.

Therefore, Applicant respectfully requests that Examiner provides proof that Marouiss is entitled to an earlier priority date or that Examiner concedes that Marouiss is an improper reference and allows the claims as presently amended.

35 USC 103(a) Rejection

Marouiss further in view of Little and Palcic

Examiner has rejected Claims 6 – 15, 17 – 19, 21 – 24, 26 – 27, 29 and 37 under 35 USC 103(a) as being unpatentable over Marouiss as applied to Claims 1 – 5, and 32 – 36, and

38 – 41 and further in view of Little and Palcic. In response, Applicant has amended Claim 6 to read as follows:

6. The high capacity microarrayer as in Claim 1, further comprising:
 - A. at least one light source capable of illuminating the slides,
 - B. at least one camera operating in conjunction with said at least one light source, said at least one camera capable of acquiring and transmitting slide image data,
 - C. a computer programmed to:
 - 1) receive said slide image data from said at least one camera,
 - 2) analyze said slide image data, and
 - 3) generate post analysis data based on said analysis of said slide image data, ~~wherein said post analysis data is available for improving the spotting of the solution.~~ wherein said post analysis data comprises information relating to the success or failure of said microarrayer to successfully spot solution onto the slides, and
 - D. an adjustment means for permitting adjustments to be made to said spotting of solution onto the slides wherein said adjustments are made based on said post analysis data.

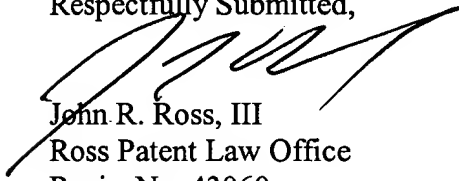
Applicant respectfully submits that none of Examiner's cited references discloses, alone or in combination, a computer programmed to generate post analysis data comprising "information relating to the success or failure of said microarrayer to successfully spot solution onto the slides" and "an adjustment means for permitting adjustments to be made to said spotting of solution onto the slides wherein said adjustments are made based on said post analysis data".

Therefore, Claim 6 as presently amended should be allowable. Also, Claims 7 – 31 depend on Claim 6 and should likewise be allowable. In addition, since Examiner's reference cited to reject Claim 1 is an improper reference, Claim 1 and all of the claims dependent on it should be allowable.

CONCLUSION

Thus, for all the reasons given above, this application, as the claims are presently limited, define a novel, patentable, and truly valuable invention. Hence allowance of all of the outstanding claims of this application is respectfully submitted to be proper and is respectfully solicited.

Respectfully Submitted,



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